

REMARKS

Claims 1-69 are pending. Claims 1-24, 49-58, and 65-69 previously have been withdrawn in a response to a previous restriction requirement. In the instant Restriction Requirement dated March 1, 2007, election is requested between Species 1, claims 25 and 37; Species 2, claim 59, Species 3, claims 26-33 and 38-44; Species 4, claims 60 and 61; Species 5, claims 34-36 and 45-48; and Species 6, claims 62-64. Applicant hereby elects, with traverse, Species 1, claims 25 and 37, for further examination. Claims 26-36, 38-48, and 59-64 are hereby withdrawn. Applicant reserves the right to pursue the subject matter of claims 26-36, 38-48, and 59-64 in one or more divisional applications and/or to rejoin claims 26-36, 38-48, and 59-64 pursuant to MPEP § 821.04.

Applicant traverses the instant restriction because Examiner has provided no reasons or examples to support conclusions as to why the claims are subject to restrictions. In accordance with MPEP § 803 II, “Examiners must provide reasons and/or examples to support conclusions...” (Emphasis added). The instant Restriction Requirement merely states that selected claims belong to undefined, separate species. Examiner has provided no explanation why the selected claims are asserted to belong to separate species. Nor has Examiner provided any description of the various species. This is further in violation of MPEP § 809.02(a)(B), which states that Examiner should “[c]learly identify each (or in aggravated cases at least exemplary ones) of the disclosed species, to which claims are restricted. The species are preferably identified as the species of figures 1, 2, and 3 or the species of examples I, II, and III, respectively. In the absence of distinct figures or examples to identify the several species, the mechanical means, the particular material, or other distinguishing characteristic of the species should be stated for each species identified.”

Further, Per MPEP § 808.02, in order to establish reasons for insisting upon restriction, the Examiner must show that: (A) the groups are in separate classes, (B) the groups have separate status in the art if classifiable together, or (C) the groups require a different field of search. None of these three requirements has been shown.

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Additionally, per MPEP § 803 I (B), criteria for restriction requires that “[t]here would be a serious burden on the examiner if restriction is not required.” (Emphasis added). Obviously, a serious burden will not be placed on the Examiner, because the claims under restriction have been previously examined, on multiple occasions, on the merits, without a single mention of any burden being placed on Examiner.

For the reasons provided above, Applicant traverses the restriction requirement. Reconsideration and withdrawal of the restriction requirement are respectfully solicited and early consideration and allowance of the present application is respectfully requested.

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